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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,394	11/21/2003	Bryan J. Roof	D/A3465	2565
25453	7590	12/21/2005	EXAMINER	
PATENT DOCUMENTATION CENTER XEROX CORPORATION 100 CLINTON AVE., SOUTH, XEROX SQUARE, 20TH FLOOR ROCHESTER, NY 14644			TRAN, LY T	
			ART UNIT	PAPER NUMBER
			2853	

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/719,394	Applicant(s) ROOF ET AL.	
	Examiner Ly T. TRAN	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3, 8-13 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Titterington et al. (USPN 5,372,852) in view of Kessler (USPN 4,458,399).

With respect to claims 1-3, 11-13, 8 and 18 Titterington discloses an image transfer printing apparatus comprising:

- a member having an imaging transfer surface (Fig.13: element 14);
- an application assembly for distributing a layer of release liquid onto the imaging transfer surface to produce an intermediate transfer surface (Fig.13: element 15);
- means for supporting the member in contact with the member to release and form the liquid layer (Fig.13: Element 18);
- an ink jet print head (element 11) depositing a molten phase-change ink in a phase-change ink image on the intermediate transfer surface (Abstract);

- means for transferring the phase-change ink from the intermediate transfer surface to a receiving medium (element 26).

With respect to claims 9 and 19, Titterington discloses the member is an image member (Fig.13: element 14).

With respect to claims 10 and 20, Titterington discloses the member is a fuser member (Fig.13: element 14)

However, Titterington fails to teach the applicator assembly including a porous member having a core, the core having openings defined therein, a liquid supply system connected to the core for supplying liquid to saturate the porous member and the core is a tube member having an impregnable material thereabouts and the impregnable material includes foam.

Kessler teaches the applicator assembly including a porous member having a core; the core having openings defined therein (Fig.1: element 12), a liquid supply system (Fig.1, Column 3: line 18-40) connected to the core for supplying liquid to saturate the porous member and the core is a tube member having an impregnable material thereabouts and the impregnable material includes foam.

(Fig.1: element 12).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have an applicator assembly including a porous member having a core, the core having openings defined therein, a liquid supply system connected to the core for supplying liquid to saturate the porous member as taught by Kessler. The motivation of doing so is to control flow of ink.

2. Claims 4-7 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Titterington et al. (USPN 5,372,852) in view of Kessler (USPN 4,458,399) as applied to claim 1 above, further in view of Takahashi et al (USPN 4,385,558).

The combination of Titterington and Kessler fails to teach a replenishing system includes a sensing system for sensing an amount of the liquid in the porous member, a controller and sensing the mass of the porous member.

Takahashi teaches a replenishing system includes a sensing system for sensing an amount of the liquid in the porous member, a controller and sensing the mass of the porous member (Column 4: line 12-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made as modify to have a replenishing system includes a sensing system for sensing an amount of the liquid in the porous member as taught by Takahashi. The motivation of doing so is maintain the size of ink deposit.

Response to Arguments

3. Applicant's arguments filed 10/20/05 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. In this case, first, Applicant argues that Titterington fails to teach the applicator assembly including a porous member having a

core, the core having openings defined therein, a liquid supply system connected to the core for supplying release liquid to saturate the porous member. This argument is not deemed to be persuasive because in the Office Action, the Examiner stated that Kessler teaches this limitation, not Titterington. Second, Applicant argues that Kessler fails to teach an ink jet printing systems that utilize intermediate transfer ink jet recording method, and further the applicator assembly including a porous member having a core, the core having openings defined therein, a liquid supply system connected to the core for supplying release liquid to saturate the porous member. This argument is not deemed to be persuasive because the combination of Titterington and Kessler discloses these limitations, Titterington alone or Kessler alone does not teaches these limitations.

Furthermore, Applicant argues that there is no motivation to combined these two references and fails to establish a prima facie case of obviousness. This argument is not deemed to be persuasive because in the Office Action, the Examiner stated the motivation of using the teaching of Kessler is to control flowing of the ink and Applicant did not explain that why these two references can't combine.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ly T. TRAN whose telephone number is 571-272-2155. The examiner can normally be reached on M-F (7:30am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 571-272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LT

December 14, 2005

A handwritten signature in black ink, appearing to read 'Stephen D. Meier', with a long horizontal stroke extending to the right.

Stephen D. Meier
Primary Examiner